

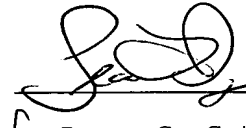
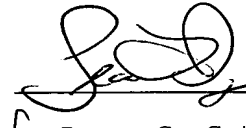
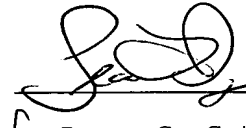


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 062070-0311757										
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 09/766,407	Filed January 22, 2001										
	First Named Inventor TANNER et al.											
	Art Unit 2173	Examiner BASOM, Blaine										
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="2"> +48203 Signature for James G. Gatto</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. 32694 Registration number _____</td><td colspan="2">703-770-7754 Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td colspan="2">December 14, 2005 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	 +48203 Signature for James G. Gatto	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. 32694 Registration number _____	703-770-7754 Telephone number		<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	December 14, 2005 Date	
<input type="checkbox"/> applicant/inventor.	 +48203 Signature for James G. Gatto											
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)												
<input checked="" type="checkbox"/> attorney or agent of record. 32694 Registration number _____	703-770-7754 Telephone number											
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	December 14, 2005 Date											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket: 062070-0311757
Client Reference: IDR-455



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
Ronald Martin Tanner et al.

Confirmation Number: 7309

Application No.: 09/766,407

Group Art Unit: 2173

Filed: January 22, 2001

Examiner: BASOM, Blaine

Title: METHOD AND SYSTEM FOR GENERATING DYNAMIC IMAGES

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1-11, 13-23 and 25-27 are pending in this application.

Rejection Under 35 U.S.C. § 102

Claims 1-11, 13-23, and 25-27 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Traversat et al. (U.S. Patent No. 6,052,720). Applicants respectfully submit that the examiner has failed to establish a *prima facie* case of anticipation.

Independent claim 1 recites, among other things, associating the one or more additional images to the at least one image. At least these features are not taught by Traversat et al.

An “image” is a term of art that refers to information that is related to memory, storage, processors, applications, access privileges, and other similar features that represent the configuration state of a network device and is completed prior to user login. The image is used to boot the network device, based on the device characteristics.

In an exemplary embodiment, the invention provides a base image that is created and stored in a directory (see page 13, line 20 – page 14, line 1). Additional images may be associated with the base image and, when the base image is placed on the workstation, the additional images also may be placed on the workstation to load as a single image with the base image. The additional images may come from other workstation images or from applications that have been stored in the directory (see page 14, lines 1-6). One advantage of the invention is that it enables a base image to remain constant while associated images may be updated or additional applications may be applied to the base image.

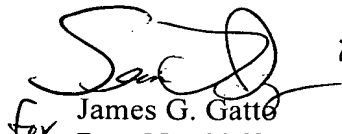
By contrast, Traversat et al. appears to disclose a system for providing a data framework and associated client/server protocol for storing and exchanging data among network computers after a client device has logged into the system (see the Abstract). When a client device connects to a server, the client device apparently sends profile information to the server and the server attempts to match the profile information with specific profile information in its machine namespace (see column 10, lines 57 – 67). According to Traversat et al., a user first logs onto the client device and, after login, retrieves the user's preferences. For example, in a word processing application, a particular user preference includes a default font and size for documents. In Traversat et al., the system retrieves user preferences after login and enables the user to have their user preferences applied to any client device in the network. Therefore, Traversat et al. does not teach or suggest an image as known in the computer art. Furthermore, Traversat et al. does not teach or suggest at least associating one or more additional images to the at least one image. A user preferences is obtained from post-login information and does not qualify as an image, since an image is known in the art to provide information needed to boot a network device and is applied prior to user login.

Thus, independent claims 1, 13 and 27 are distinguished over Traversat et al. and are allowable for at least the reasons described above. Additionally, claims 2-11, 14-23, 25, and 26 depend from and add features to one of the independent claims. As such, these claims are allowable over Traversat at least by virtue of their dependency.

In view of the foregoing, allowance of claims 1-11, 13-23 and 25-27 are respectfully requested.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

 #48283
for James G. Gatto
Reg. No. 32694
Tel. No. (703) 770-7807
Fax No. (703) 770-7901

Date: December 14, 2005
P.O. Box 10500
McLean, VA 22102
(703) 770-7900